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April 8, 2005

OFC. OF THE SECRETARIAT

**Via E-Mail**

Office of the Secretariat  
Commodity Futures Trading Commission  
Three Lafayette Centre  
1155 21<sup>st</sup> Street, N.W.  
Washington, D.C. 20581

**Re: Rule Certification. NYMEX Submission 05.67 – Notification of  
Amendment to Exchange Rule 3.43.**

Dear Ms. Jean Webb:

The New York Mercantile Exchange, Inc. ("NYMEX" or the "Exchange") hereby notifies the Commodity Futures Trading Commission ("CFTC") of amendments to Exchange Rule 3.43, Settlement Price Committee.

Effective April 11, 2005, the amendments clearly denote the appropriate rule number for each Division in referencing the requirements for Settlement Price Committee appointments [i.e., COMEX Division Rule 104.89 and NYMEX Division Rule 6.51(B)]. This reference was inadvertently omitted at the time COMEX Rule 104.89 was implemented in November 2004, which allows for Staff participation on the Settlement Committees. Pursuant to Section 5c(c) of the Commodity Exchange Act ("Act") and CFTC Rule 40.6, the Exchange hereby certifies that the new amendments comply with the Act, including regulations under the Act.

Should you have any questions concerning the above, please contact the undersigned at 212-299-2940.

Very truly yours,

Nancy M. Minett  
Vice President  
Compliance Department

Attachments  
cc: Thomas LaSala  
Brian Regan

(Additions are bold and underlined.)

### **Rule 3.43 – Settlement Price Committee**

(A) The Settlement Price Committee, which shall be a Regular Committee, shall consist of such members as the Chairman shall appoint with the consent of the Board. The Committee shall be divided into subcommittees for each commodity traded. To the extent possible, each subcommittee, except as provided in **NYMEX Division** Rule 6.51(B) **and COMEX Division Rule 104.89**, shall consist of three (3) Members representative of the commodity traded one of whom shall be a Floor Broker, one of whom shall be a Floor Trader, and one of whom shall represent the trade.

(B) At the conclusion of the RTH trading session on the Exchange Floor each day, settlement prices shall be determined for every contract traded.